

DEPARTMENT OF EDUCATION

Statement of Regulatory Priorities

I. Introduction

The U.S. Department of Education (Department) provides financial assistance pertaining to education and related services at all levels to a wide range of stakeholders and individuals, including State educational and other agencies, local school districts, providers of early learning programs, elementary and secondary schools, institutions of higher education, career and technical schools, students, and families.

The Department also vigorously monitors and enforces the implementation of Federal civil rights laws in educational programs and activities that receive Federal financial assistance from the Department. The Department's regulatory priorities aim to return education to the states by promoting as much choice, freedom, and flexibility as possible while ensuring students learn in an environment that promotes educational excellence, not divisive ideologies.

The Department is focused on removing regulatory barriers that impede competition, individual initiative, innovation, and economic growth. This regulatory agenda establishes the Department's regulatory and deregulatory priorities.

II. Public Participation

We invite the public to submit comments on all proposed regulations through the internet or by regular mail. We also note that the Higher Education Act of 1965 requires the Department to use the negotiated rulemaking process for a majority of its higher education rulemakings, which is a process that necessitates public participation from a broad range of stakeholders. Under negotiated rulemaking, the Department seeks and considers initial input through public hearings and written comments when it announces intent to establish a negotiated rulemaking committee and requests nominations from the public for individual negotiators who represent key stakeholder constituencies for the issues to be negotiated to serve on the committee before a committee is established.

To facilitate the public's involvement, we participate in the Federal Docket Management System (FDMS), an electronic single Government-wide access point (www.regulations.gov) that enables the public to submit comments on different types of Federal regulatory documents as well as read and respond to comments submitted by other members of the public during the public comment period. This system provides the public with the opportunity to submit comments electronically on any notice of proposed rulemaking or interim final regulations open for comment as well as read and print any supporting regulatory documents.

III. Regulatory Priorities

This Administration's goals are to return power over education to families instead of bureaucracies, return education authority to the states, continue provision of services, programs and benefits on which Americans rely, and ensure that Federal funds support students and families instead of extreme ideologies that divide Americans by race and deny that sex is a binary, immutable human characteristic.

The Department expects to initiate several deregulatory actions and continue rescinding burdensome guidance documents across all programs. The Department will focus on completing regulatory actions that streamline existing regulations and remove unjustified burdens as well as reduce government transfers and promote principles of fiscal responsibility. The Department also considered

ideas the public submitted to OMB through the Notice of request for information: Deregulation. 90 FR 15481 (April 11, 2025). Many of the deregulatory actions described below align with the ideas the public submitted and are already being put into action.

Postsecondary Education

Section 492 of the Higher Education Act (HEA) requires that the Secretary solicit public involvement in the development of regulations before publishing proposed rules implementing programs authorized under Title IV. In the Reimagining and Improving Student Education (RISE) proposed rule, the Department intends to propose regulations after completing negotiated rulemaking and reaching consensus to implement the changes the One Big Beautiful Bill Act, Pub. L. 119-21, made to the student loans programs. Proposed changes include phasing out graduate PLUS Loans; eliminating income contingent repayment (ICR) and Pay As You Earn (PAYE) loans, setting loan limits at \$20,000 for graduate students and \$50,000 for professional students and creating a new loan repayment plan known as the "Repayment Assistance Plan." The Department also engaged in negotiated rulemaking to propose regulations implementing the One Big Beautiful Bill's changes to Pell Grants and accountability provisions, including updates to the Workforce Pell Grant program that offers Pell Grants to students for short-term training programs. In addition, the proposed rules will address institutional accountability issues including financial value transparency and gainful employment. These rules seek to enhance oversight, strengthen eligibility standards, and streamline implementation.

The Department intends to propose regulations covering institutions' reporting of statutorily defined gifts, contracts, and/or restricted and conditional gifts or contracts from or with defined foreign sources, pursuant to the requirements of section 117 of the HigherEA. In compliance with Executive Order 14279, Reforming Accreditation To Strengthen Higher Education, negotiated rulemaking will address accreditation issues to clarify institutional flexibility to pursue changes of accreditors without prior Department approval and remove other burdensome requirements that erect barriers to entry for new accreditation agencies. Also, the Department proposes to address Title IV eligibility issues to remove requirements that unnecessarily target faith-based or for-profit institutions and interfere with efficient and beneficial mergers, sales, and transfers of institutions of higher education. Such issues to be addressed in the context of institutional eligibility for participation of Federal student financial aid include rules governing change of ownership, cash management, administrative capability standards, and financial responsibility requirements.

In the Reducing Anti-Competitive Regulatory Barriers proposed rule, the Department seeks to implement President Trump's Executive Order 14267, Reducing Anti-Competitive Regulatory Barriers, and will engage in negotiated rulemaking to promulgate rules to (1) amend college textbook packaging rules under 34 C.F.R. 668.163(c)(2) to put downward pressure on prices by promoting competition among booksellers and (2) improve the transferability of college credits.

Civil Rights

The Department intends to remove the regulation under Title VI of the 1964 Civil Rights Act that utilizes a disparate impact theory of race-based discrimination. We will align Department regulations with Supreme Court precedent that requires Title VI violations to rest upon intentional discrimination.

Executive Order 14168, Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government, defends women's rights and protects freedom of conscience by directing agencies to use clear and accurate language and policies that recognize women are biologically female, and men are biologically male. The Department intends to amend regulations implementing Title IX of the Education Amendments of 1972 (Title IX) to ensure consistency with EO

14168 by clarifying that implementation of Title IX is to be based on sex, which shall refer exclusively to an individual's immutable biological classification as either male or female.

In the Update of Regulations of Title VI of the Civil Rights Act of 1964 proposed rule, the Department intends to amend regulations implementing Title VI of the Civil Rights Act of 1964 (Title VI) to provide further clarification of how Title VI's provisions protecting individuals from discrimination on the basis of race, color and national origin protect individuals on the basis of the individual's actual or perceived shared ancestry or ethnic characteristics, or affiliation with a dominant religion or distinct religious identity. The Department will continue to implement President Trump's Executive Order 14188, Additional Measures to Combat Anti-Semitism, and use all available and appropriate legal tools, to tackle unlawful anti-Semitic harassment and violence.

Special Education and Rehabilitative Services

In the Equity in IDEA proposed rule, the Department intends to amend regulations implementing the Individuals with Disabilities Education Act's (IDEA) provisions pertaining to significant disproportionality. Specifically, the Department intends to amend 2016 regulations that established a standard methodology States must use to determine whether significant disproportionality based on race and ethnicity is occurring in the State and set specific programmatic requirements on how states are required to comply with Section 618(d)(2) of the IDEA.

Other Actions

The Department will work on a proposed rulemaking relating to Department grant programs to ensure that federal public benefits are only provided to citizens and eligible noncitizens, as required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

III. Principles for Regulating

Over the next year, the Department may need to issue other regulations because of new legislation or programmatic changes. In deciding when to regulate, we consider the following:

- Whether regulations are essential to promote quality and equality of opportunity in education.
- Whether a demonstrated problem cannot be resolved without regulation.
- Whether regulations are necessary to provide a legally binding interpretation to resolve ambiguity.
- Whether regulations are needed to protect the Federal interest, that is, to ensure that Federal funds are used for their intended purpose and to eliminate fraud, waste, and abuse.

In deciding how to regulate, we are mindful of the following principles:

- Regulate no more than necessary.
- Minimize burden to the extent possible and promote multiple approaches to meeting statutory requirements if possible.
- Encourage coordination of federally funded activities with State and local reform activities.
- Ensure that the benefits justify the costs of regulating.
- To the extent possible, establish performance objectives rather than specify the behavior or manner of compliance a regulated entity must adopt.

- Encourage flexibility, to the extent possible and as needed to enable institutional forces to achieve desired results.